

U.S. Appln. S.N. 10/528,237
AMENDMENT

PATENT

REMARKS

This Amendment amends claims 12, 16 and 21. The truncated cone feature of claim 12 is taken from claim 16. The system features of claim 21 are taken from claim 12. Claims 12-22 are pending.

Applicants provisionally elect Group I, claims 12-20, with traverse. It is believed this Amendment restores unity of invention to the claims. More particularly, claim 21 has been amended by incorporating the features of the elected invention. Reconsideration and withdrawal of the Restriction Requirement are earnestly requested.

The 35 U.S.C. § 112, first paragraph, rejection of claims 12-22 for non-enablement is traversed. The specification is presumed enabling, and the Patent Office has failed to explain why one of ordinary skill in the art would be required to perform undue experimentation to construct and/or use the claimed delivery system. Moreover, the specification teaches the cross-sectional shape and size of the ends of the capsule "can be chosen freely". The only restriction is that the surface of the locking part covers the end of the capsule facing it. According to a preferred embodiment, the cross-sectional profile of said at least first or

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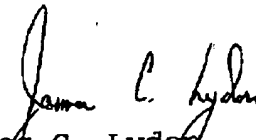
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second end of the capsule is essentially identical in size and shape to said surface of the locking part facing said end, as opposed to being smaller than the surface of the locking part. (Specification, page 5, lines 13-16; emphasis added).

Reconsideration and withdrawal of the non-enablement rejection of claims 12-22 are earnestly requested.

It is not believed any fee is required for entry and consideration of this Amendment. Nevertheless, the Commissioner is authorized to charge our Deposit Account No. 50-1258 in the amount of any such required fee.

Respectfully submitted,


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